

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

LORETTA LYNN NOLAN

PLAINTIFF

v.

3:07CV00179 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER OF DISMISSAL

Plaintiff has filed a Motion to Dismiss this case, without prejudice (docket entry # 6), explaining that the Appeals Council vacated its decision upon which this case was based and issued a new decision, which Plaintiff has appealed in *Nolan v. Astrue*, 3:08CV00007 (E.D. Ark., Complaint Jan. 16, 2008). Defendant has not objected to the granting of Plaintiff's Motion. There appears no other reason that Plaintiff's Motion should not be granted.

Often, under circumstances such as are presented here, plaintiffs merely ask that the two cases be consolidated. The better practice is to dismiss the older case without prejudice, as Plaintiff has requested.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Dismiss, without prejudice (docket entry #6), is hereby GRANTED. The Court's Scheduling Order (docket entry # 10) is hereby suspended, and all other pending motions are hereby rendered MOOT.

DATED this 7th day of March, 2008.


UNITED STATES MAGISTRATE JUDGE